

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONALD TURNBULL,

Plaintiff,

v.

JPMORGAN CHASE & CO.,

Defendant.

Case No. 21-cv-03217-JGK

**STIPULATION AND [PROPOSED] MEDIATION PROTECTIVE ORDER**

WHEREAS, Plaintiff Donald Turnbull (“Turnbull”) and Defendant JPMorgan Chase & Co. (“JPMorgan”) (collectively, the “Parties”) have agreed to confidential mediation discussions (“Mediation Discussions”), which may include, among other things, the disclosure of protected information (“Confidential Mediation Information”); and

WHEREAS, good cause exists for entry of this Stipulation and Mediation Protective Order (“Stipulation”);

In order to promote communications among the Parties in connection with their Mediation Discussions, the Parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. All communications, documents, and information exchanged during, as part of, or in connection with, the Mediation Discussions shall constitute “Confidential Mediation Information” for purposes of this Stipulation. In entering into this Stipulation, the Parties expressly reserve their rights to assert any protections otherwise available to them pursuant to Federal Rule of Evidence 408, and any other common law mediation privilege or any other privilege or protection available under applicable statute or common law. The Parties hereby agree that all

information disclosed by one or more of the Parties during the Mediation Discussions are protected under Federal Rule of Evidence 408. As such, the Parties are prohibited from disclosing Confidential Mediation Information exchanged during the Mediation Discussions to anyone outside the Mediation Discussions, and any Confidential Mediation Information exchanged will be used solely for purposes of the Mediation Discussions. This Stipulation shall be interpreted to provide the maximum protection allowed by law, including the broadest protection afforded by the Federal Rule of Evidence 408.

2. The Parties and their Counsel agree that, in accordance with Federal Rule of Evidence 502(d), the disclosure of attorney-client privileged or work-product protected information in the Mediation Discussions, whether inadvertent, unauthorized, or otherwise, shall not constitute a waiver, in whole or in part, of the privilege or work-product or other applicable immunity, either as to the specific information disclosed or as to the same or related subject matter. This Stipulation shall be interpreted to provide the maximum protection allowed by law, including the broadest protection afforded by Federal Rule of Evidence 502(d). This Court's prior May 11, 2022 Stipulation and Protective Order Governing Confidentiality of Privileged Allegations in the Second Amended Complaint (Dkt. 57) shall also apply to the Mediation Discussions.

3. This Stipulation is binding upon the Parties and their agents (including experts and consultants) and employees, counsel for the Parties and their agents and employees, and all persons to whom disclosure of Confidential Mediation Information is made.

4. Nothing in this Stipulation shall preclude any party from moving the Court to modify this Stipulation to include additional safeguards to protect the Confidential Mediation Information.

5. This Stipulation shall continue to be binding throughout and after the conclusion of the Mediation Discussions as well as any related litigation, appeal, or proceeding.

After the conclusion of this action, the provisions of this Stipulation shall continue to be binding until further order of this Court.

**MORGAN, LEWIS & BOCKIUS LLP**

By: /s/ Sarah E. Bouchard

Sarah E. Bouchard (*pro hac vice*)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
Tel: (215) 963-5000

Gina F. McGuire  
101 Park Avenue  
New York, New York 10178  
Tel: (212) 309-6000

*Attorneys for Defendant*  
JPMorgan Chase & Co.

**SO ORDERED.**

Dated: 1/5/24

**EMERY CELLI BRINCKERHOFF  
ABADY WARD & MAAZEL LLP**

By: /s/ O. Andrew F. Wilson

Richard Emery  
O. Andrew F. Wilson  
600 Fifth Avenue, 10<sup>th</sup> Floor  
New York, NY 10020  
Tel: (212) 763-5000

*Attorneys for Plaintiff*  
Donald Turnbull



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Hon. John G. Koeltl, U.S.D.J.